

REMARKS

Claims 1-9 and 12-16 are pending in the application. Claims 10, 11, and 17-38 have been withdrawn from consideration. Claim 1 has been amended to clarify the claimed subject matter. Withdrawal of the appeal and reexamination and reconsideration of the claims in accordance with this amendment is respectfully requested.

The prior art rejections based on Handschy et al. (US U.S. Patent No. 5,596,451) (Handschy) were dropped by the Examiner during the appeal. Accordingly, only the prior art rejections based on Uchiyama et al. (US Patent No. 5,800,032) (Uchiyama) and Schehrer et al. (US Pub. No. 2002-0003508-A1) (Schehrer) remain.

Claim 1 is rejected under 35 U.S.C. §102 (b) as being anticipated by Uchiyama. Uchiyama has been described in a previous submission.

In the Examiner's Reply, dated July 28, 2003, the Examiner indicated that he considered the phrase "disposed on" did not preclude the first light source and the reflective image display from being first mounted in or via a casing (1) as depicted in FIGs. 2 and 16 in Uchiyama, and then said casing being disposed on the mount surface of mount (10). The Examiner admitted, however, that Uchiyama fails to teach the first light source and the reflective image display being "mounted" to the same mount surface.

Claim 1 has been amended to change the phrase "disposed on" to "mounted to", i.e. claim 1 uses the language that the Examiner considered distinguished over Uchiyama. It is believed that, in view of the amendment and the Examiner's comments in the Examiner's Answer, claim 1 is now allowable over Uchiyama.

Claims 1 and 12 are rejected under 35 U.S.C. §102 (e) as being anticipated by Schehrer. Schehrer teaches an image generator having a miniature display device, as described in the Appeal Brief of April 14, 2003.

In the Examiner's Answer, the Examiner indicated that no one single figure in Schehrer physically teaches that the first light source and the image display unit are "mounted" to the same surface. The Examiner, is of the opinion, however, that Schehrer, taken as a whole, would clearly infer [sic] one of ordinary skill in the art that the particular display device (500) comprising a first light source (501, 510 and 533), a

reflective polarizer (505) and a reflector (502, 512 and 532) with or without an additional mount (534) as depicted in FIGs. 7, 8, and 10a-10d respectively, serve as one of several different embodiments of the head mounted display represented as element (1) shown in FIG. 1A, which are mounted to mounting hardware (2).

In view of the amendment to claim 1, the first light source and the reflective image display are positively recited as each being mounted to the mounting surface. Furthermore, Appellants respectfully disagree that one of ordinary skill would infer that Schehrer taught the claimed invention. Schehrer fails to teach that the light source and image display unit are mounted on a common mounting surface. Schehrer fails even to show an embodiment in which the light source and image display unit could be commonly disposed on a mounting surface, even if the mounting surface were to be inferred: the relative positioning of the light source and image display unit shown in Schehrer does not permit such common placement.

Appellants reiterate that, for anticipation, the reference must show the identical invention, *Richardson v. Suzuki Motor Co.*, 868 F. 2d1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), in other words it must show each and every element of the claim in the claimed relationship to the other elements. Schehrer fails to do this. Schehrer does not teach that the light source and image display unit are disposed on a common mounting surface. Instead, Scherer teaches different embodiments without showing a common mounting surface. The display (1) and the mounting hardware (2) are shown as separate blocks. Schehrer's mounting hardware (2) is shown simply as a way of attaching the head-mounted display (1 – shown in block format) to the user's head: in paragraph 0045 it is suggested that the mounting hardware may be a helmet that includes a means for adjusting the position of the head mounted display relative to the eye (3). There is no teaching that the mounting hardware forms any part of the internal mounting of the components that make up the display. Accordingly, it would not be reasonable for one of ordinary skill to infer that Schehrer's mounting hardware (2) included a mounting surface on which both the light source and the image display unit were disposed. Rather, the implication from the block diagram shown in FIG. 1A is that the display is a self-contained unit, separable from the mounting hardware.

Accordingly, Appellants contend that Schehrer fails to teach that the light source and image display unit are commonly mounted to the same mounting surface.

In view of this discussion, Appellants respectfully assert that Schehrer fails to teach all the elements of claim 1, that claim 1 is not anticipated by Schehrer, and that claim 1 is allowable.

Claim 12 depends from allowable claim 1 and is also, therefore, allowable.

Claims 2-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchiyama and claims 2-9 and 13-16 are rejected as being unpatentable over Schehrer. Dependent claims 2-9 and 13-16, depend from claim 1 and further define the invention of claim 1. While Applicants do not acquiesce with the particular rejections to these dependent claims, it is believed that these rejections are moot in view of the remarks made above in connection with Uchiyama and Schehrer and independent claim 1. Therefore, dependent claims 2-9 and 13-16 are also in condition for allowance.

In view of the reasons provided above, it is believed that all pending claims are in condition for allowance. Applicants respectfully request favorable reconsideration and early allowance of all pending claims. Applicants also request that the species claims withdrawn from consideration be reinstated and allowed along with the currently pending claims.

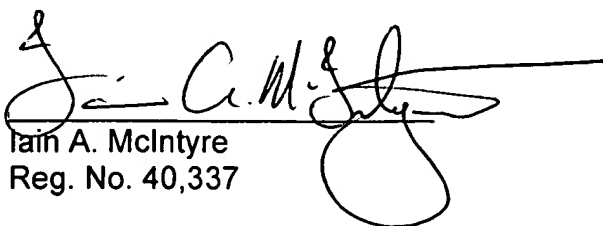
If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Iain A. McIntyre at 612-436-9610.

Respectfully submitted,

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